

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

31307

FILE: B-218120.2

DATE: May 28, 1985

MATTER OF: Global Crane Institute - Request
for Reconsideration

DIGEST:

In concert with the requirements of section 2741(a) of the Competition in Contracting Act of 1984, the General Accounting Office will not consider a request for reconsideration of a protest on the basis of the protester's subsequent provision of relevant facts and information of which the protest was or should have been aware but failed to present at the time the protest was first filed in our Office.

Global Crane Institute (GCI) requests that we reconsider our dismissal of its protest of the award of a contract by the Veterans Administration Medical Center (VA) at Battle Creek, Michigan, to James Company Consultants-Engineers, Inc. (James), the low bidder on a solicitation for elevator inspection services. By decision B-218120, issued on January 23, 1985, we dismissed the protest on the basis that it had been untimely filed since it was received in our Office more than 1 month after the contract was awarded. In its request for reconsideration GCI explained and enclosed documents showing that it had initially protested the contract award to the VA, and that it filed its protest in our Office within 10 days after receiving notice of the agency's denial of its protest. Our Office had not been informed of GCI's agency protest when we issued our prior decision.

In order for a protester's request for reconsideration to be considered by our Office, the protester must present a detailed statement of the factual and legal grounds warranting reversal or modification of a decision and specify any errors of law or information not previously considered. 4 C.F.R. § 21.12(a) (1985). Information not previously considered means information that was not available to the protester when the initial protest was filed. Any other interpretation would permit a protester

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to present information in a piecemeal fashion and possibly disrupt the procurement of goods and services indefinitely. Cal Pacific Fabricating, Inc.--Request for Reconsideration, B-214946.2, June 28, 1984, 84-1 C.P.D. ¶ 689.

We recognize that prior to the enactment of the Competition in Contracting Act of 1984 (CICA), 31 U.S.C.A. §§ 3551-3556 (West Pam. No. 3, Pt. 2 Dec. 1984), we did on occasion reconsider protests previously dismissed as untimely upon the protester's timely submission of additional information showing that its initial protest was, in fact, timely filed. See, e.g. Penney's Gemstones--Reconsideration, B-218007.3, Mar. 8, 1985, 85-1 C.P.D. ¶ 288. However, in view of the requirements of section 2741(a) of CICA (31 U.S.C.A. § 3554 (a)(1)) for the expeditious resolution of bid protests, our reconsideration of a protest on the basis of information that was readily available to the protester when the protest was initially filed would be, in the absence of a showing of good cause for failure to timely present the information, inconsistent with the statutory mandate.

GCI knew of its agency-level protest and the results thereof when it initially protested the award of this contract, and it has offered no explanation concerning its failure to provide a full account of all relevant facts at that time. Because it is not entitled to reconsideration on the basis of its delayed showing of timeliness, we affirm our prior decision.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel